



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David BOTSTEIN, et al.

Application Serial No. 09/990,438

Filed: November 14, 2001

For: **SECRETED AND TRANSMEMBRANE  
POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

) Examiner: Kaufman, Claire M.  
)  
) Art Unit: 1646  
)  
) Confirmation No: 2374  
)  
) Attorney's Docket No. 39780-2730P1C3  
)  
) Customer No. 35489  
)

**EXPRESS MAIL LABEL NO: EV 765 978 917 US**  
**DATE MAILED: JULY 31, 2006**

**MAIL STOP: RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22304-1450

Dear Sir:

An Examiner's Answer was mailed on May 31, 2006 by the PTO in response to an Appeal Brief filed on April 17, 2006. This Preliminary Response accompanies a Request for Continued Examination (RCE) under 37 CFR §1.114 for the above identified application, and is filed within the period set for filing a Reply brief; therefore no fees are believed due.

This submission is accompanied by a new Declaration under 37C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Also enclosed is an Information Disclosure Statement with copies of additional references in support of the Applicants' arguments. Applicants respectfully request that the Information Disclosure Statement and Declaration be made of record in the above-identified application, and be considered by the Examiner.

**Pending Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.